

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 5

January 28, 2000

**SUBJECT: VICTIM OF A CRIME REQUEST FOR CONFIDENTIALITY OF INFORMATION - REVISED**

**PURPOSE:** Assembly Bill (AB) No. 1681 amended Government Code Section 6254 (f) (2) which states that personal information relating to the victim of a sex offense may be withheld at the victim's request, or at the request of the victim's parent or guardian. By amendment, AB 1681 extends that right of privacy to all criminal offenses enumerated in Government Code Section 6254 (f) (2), in accordance with Penal Code Section 293. Previously, the law required confidentiality for certain sex crimes. The law now requires that the right for confidentiality be extended to include crimes such as stalking, domestic violence, and some civil rights crimes.

This Order revises the list of crimes requiring the confidentiality notification and revises the procedure for the proper documentation of victims unable to comprehend the advisement of their right to confidentiality. Additionally, this Order renames the Victim of a Sex Crime Request for Confidentiality of Information, Form 3.02 (in English) and Form 3.02.1 (in Spanish) to the Request for Confidentiality of Information.

**PROCEDURE:** Penal Code Sections affected by this Order are those specifically enumerated in Government Code Section 6254:

- 220 - Assault with intent to commit mayhem, rape, sodomy, oral copulation
- 261 - Rape
- 262 - Rape of a spouse
- 264 - Rape of a spouse; unlawful sexual intercourse
- 264.1 - Rape or penetration of genital or anal openings by foreign object, etc.; acting in concert by force or violence
- 273a - Willful harm or injury to child; endangering person or health
- 273d - Corporal punishment or injury of child
- 273.5 - Willful infliction of corporal injury
- 286 - Sodomy
- 288 - Lewd or lascivious acts with a child under the age of 14
- 288a - Oral copulation

- 289 - Penetration of genital or anal openings by a foreign object
- 422.6 - Interference with the exercise of civil rights; damaging property; speech threatening violence
- 422.7 - Aggravating factors for punishment; present ability to commit violent injury or actual physical injury
- 422.75 - Protected classes; enhanced penalty for felonies against person or property of public agency or private institution because of class membership
- 646.9 - Stalking

**I. VICTIM OF SEX OFFENSE REQUEST FOR CONFIDENTIALITY OF INFORMATION, FORM 3.02 (ENGLISH) AND FORM 3.02.1 (SPANISH) - REVISED.** The Victim of Sex Offense Request for Confidentiality of Information, Form 3.02 (English) and Form 3.02.1 (Spanish) is revised to include all crimes enumerated in Penal Code Section 293.5 and is renamed as the Request for Confidentiality of Information.

**A. Use and Distribution.** The use and distribution of this form remains the same.

**B. Completion.** The completion of this form is expanded to include all crimes as defined in Penal Code Section 293(e) and listed in Government Code Section 6254 (f)(2).

**II. OFFICER RESPONSIBILITY.** Officers shall complete a Request for Confidentiality of Information for all victims of offenses as specified in Government Code Section 6254, whether or not they exercise the right to confidentiality.

If the victim is unable to comprehend the advisement, officers shall assign the victim confidentiality. The victim may retract his/her right to confidentiality when the victim is able to comprehend the advisement and the investigating officer is advised.

**FORMS AVAILABILITY:** The Request for Confidentiality of Information, Form 3.02 (English) and 3.02.1 (Spanish), will be available for ordering from Supply Section and on the LAN in about 120 days. Copies of the forms are attached and shall be duplicated for immediate use.

January 28, 2000

**AMENDMENTS:** This Order amends Section 3/413.10 of the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Detective Services Group, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

A handwritten signature in cursive script, appearing to read "B.C. Parks".

**BERNARD C. PARKS**  
Chief of Police

Attachments

**DISTRIBUTION "A"**

\* CONTROLLED DOCUMENT \*

## Request for Confidentiality of Information

\* CONTROLLED DOCUMENT \*

DATE	TYPE OF CRIME:	DR. NO:
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Las dependencias judiciales estan obligadas a revelar cierta informacion contenida en denuncias criminales basado en el hecho que estos documentos son archivos publicos. Si alguna persona solicita informacion de esta denuncia la informacion que incluye su nombre sera entregada a menos que usted solicite que su nombre se mantenga confidencial de acuerdo a la Sección 6252 del Código Gubernamental. Delitos sexuales como se interpretan en la Sección 6254 del Código Gubernamental incluyen las Secciones del Código Penal 220, 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, y 646.9.

Asentando sus iniciales en el margen apropiado y firmando este documento senala a las dependencias judiciales y a los tribunales de juicio su deseo de mantener su nombre en estado confidencial.

(vict. initials)

Por este medio invoco mi derecho a mantener mi confidencialidad de que mi nombre no se declare en documentos de archivos publicos de acuerdo a la Sección 6254 del Código Gubernamental.

(vict. initials)

Por este medio rechazo mantener mi nombre confidencial.

(offcr. initials)

La victima es menor de edad sin padres o tutores. El agente autorizado que firma este documento invoca el derecho confidencial por parte del menor y solicita que el nombre de la victima no se manifieste en documentos publicos de acuerdo a la Sección 6254 del Código gubernamental. (Esta autorización deberia obtenerse por parte del coordinador correspondiente de delitos y asaltos de grado mayor).

I, \_\_\_\_\_, (officer advising) advised victim (named below), that his/her name will become a matter of public record unless he/she requests that it be kept confidential.

V I C T I M	LAST NAME, FIRST, MIDDLE		SEX	DESC.	AGE	DOB
	ADDRESS		ZIP	PHONE		X
	R -					
	B -					
O T H E R	DR. LIC. NO. (IF NONE, OTHER ID & NO.)		FOREIGN LANGUAGE SPOKEN (IF APPLICABLE)		OCCUPATION	
	LAST NAME, FIRST, MIDDLE		SEX	DESC.	AGE	DOB
	ADDRESS		ZIP	PHONE		X
	R -					
	B -					
	DR. LIC. NO. (IF NONE, OTHER ID & NO.)		FOREIGN LANGUAGE SPOKEN (IF APPLICABLE)		OCCUPATION	
	LOCATION OF OCCURRENCE		SAME AS V'S		R.D.	

Signature of Victim: \_\_\_\_\_

REPORTING EMPLOYEE(S)	INITIALS, LAST NAME	SERIAL NO.	DIV./DETAIL	SUPERVISOR

- ☐ "Taking Action" booklet provided.
- ☐ Domestic Violence Victim's Memo, Form 15.40.1 given.
- ☐ Rape Victim Counseling Center notified (264.2 PC) with consent of victim.
- LAPD 70-03.02.1 (R 11/99)

## HATE CRIME/INCIDENT GUIDELINES

These guidelines shall be followed for investigations of Hate Crimes and Hate Incidents  
Pursuant to Special Order No. 38, 1998

### DEFINITIONS:

#### HATE CRIME

A Hate Crime is any criminal act or attempted criminal act directed against a person(s), public agency or private institution based on the victim's actual or perceived race, nationality, religion, sexual orientation, disability, or gender or because the agency or institution is identified or associated with a person or group of an identifiable race, nationality, religion, sexual orientation, disability, or gender. A hate crime includes an act which results in injury, however slight; a verbal threat of violence which apparently can be carried out; an act which results in property damage; and, property damage or other criminal act(s) directed against a public or private agency.

#### HATRED INCIDENT

A hatred incident is any non-criminal act including words directed against a person(s) based on that person's actual or perceived race, nationality, religion, sexual orientation, disability or gender. Hatred incidents include, but are not limited to, epithets, distribution of hate material in public places, posting of hate material that does not result in property damage, and the display of offensive material on one's own property.

### I. ARRIVAL AT SCENE

- Determine location/condition of victim.
- Obtain medical treatment as needed.
- Determine if suspect is still at scene.
- Locate and identify witnesses. Request they remain for questioning.
- Determine if a Hate Crime or Hate Incident has occurred.

### II. PRELIMINARY INVESTIGATION

- Investigate the crime or incident in a timely manner.
- Interview victims/witnesses separately.
- Notify the watch commander, Area of occurrence.
- Notify the Administrative Information Desk, Detective Headquarters Division (DHD), for inclusion of the crime or incident in the Chief of Police 24-hour occurrence log and document the notification in the related report.
- Complete the appropriate crime or arrest report (s) and check the "MOTIVATED BY HATRED/PREJUDICE" box.
- If the incident does not constitute a specific crime, the PIR shall be titled "Hate Incident".
- Collect all evidence including that which verifies motive.
- Provide support/resources for the victim.

### III. INTERVIEW VICTIMS/WITNESSES

- Interview victims/witnesses separately.
- Establish the elements of the crime and other details relating to who, what, when, where, why and how.
- Questions to consider:
  - ✓ Do you (victim/witness) perceive the action of the offender to be motivated by bias or bigotry (regardless of the victim's actual inclusion in that protected group), why?
  - ✓ Do you think you were targeted, why?
  - ✓ Who do you think is responsible, why?
  - ✓ Were there any offensive symbols, words or acts associated with hate groups used?
  - ✓ Are you the only member (or one of a few) of a protected class who lives in the area?
  - ✓ Have there been any prior incidents?
  - ✓ Has there been any recent public activity that would make you (victim) a target?
  - ✓ Did the suspect carry any literature regarding a particular group?
  - ✓ Did the incident occur on a holiday or day of significance to the victim's or offender's group?
  - ✓ Did the suspect have tattoos or clothing that stand out in your mind?

70-18.44.0 (5/99)

**Note: Victims may be reluctant to be identified with a protected group. Witnesses may fear retaliation and therefore feel fearful or hesitant to get involved.**

### IV. IF SUSPECT IS TAKEN INTO CUSTODY

- Prevent communication between suspect and victim/witnesses.
- Record spontaneous statements made by the suspect (many times hate crime suspects will be proud of their actions and anxious to talk).
- Administer Admonition of Rights.
- Questions to consider (only after Admonition of Rights):
  - ✓ Why did you pick this person?
  - ✓ How do you feel about this person/ group?
  - ✓ Did you go looking for this person or group?
  - ✓ Did you select the victim at random?
  - ✓ Do you belong to a group or organization?
  - ✓ Are any others involved in the crime?
  - ✓ Do they have a mission or agenda directed toward this person or a particular group?

### V. EVIDENCE

- Photograph any evidence that substantiates the motive, e.g. hate graffiti, cross burning, swastikas, suspect's attire, etc.
- Recover weapons and book or photograph.
- Identify, retrieve or photograph other evidence, e.g. bloody clothing, destroyed property, hate material, suspect's attire if appropriate, etc.

## HATE CRIME/INCIDENT GUIDELINES

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Pursuant to Special Order No. 38, 1998

### VI. COMPLETING CRIME REPORT

- Title the report according to the criminal violation and add "HATE CRIME" to the title, e.g. BATTERY/HATE CRIME
- Check the "MOTIVATED BY HATRED/PREJUDICE" box in the MO section
- Notify the Administrative Information Deck, Detective Headquarters Division (DHD) telephone (213) 485-2504 and enter the name of the person contacted in the notification box
- Ensure that elements of all involved crimes are included in the report
- Document the following in the narrative:
  - ✓ Motivation or the lack of motivation;
  - ✓ Any photographs that were taken;
  - ✓ MT obtained;
  - ✓ If the victims and suspects are members of different groups;
  - ✓ Describe the manner and means of attack; and,
  - ✓ Describe any relevant ongoing neighborhood events.

**Note:** In crime reports, Penal Code Section 422.6 or 422.7 will be identified as additional offenses. The underlying crime (i.e.: battery, vandalism, assault, etc.) should be listed as the main offense.

### VII. COMPLETING INCIDENT REPORT (NON-CRIMINAL INVESTIGATIONS)

- Officers shall complete a P.I.R. titled "HATE INCIDENT".
- Include the motivation of the suspect
- Check the "MOTIVATED BY HATRED/PREJUDICE" box in the MO section.
- List persons possibly responsible for the incident in the "INVOLVED PERSONS" section of the P.I.R. as "witnesses".

**Note:** The unwillingness of the victim of an incident motivated by hatred or prejudice to sign a report, or the absence of a victim to an incident, does not exempt officers from the requirement to complete a P.I.R.

### VIII. FOLLOW-UP INVESTIGATIONS

#### Watch Commander

- Review all reports for completeness, including the notification to DHD and cause the reports to be distributed as soon as possible, but no later than the end of watch;
- Direct a sergeant to immediately respond to the scene of a major crime or incident motivated by hatred such as major property damage involved, injury to victim, or vandalism to a house of worship;

- Make an entry regarding the matter in the Watch Commander's Daily Report, Form 15.80; and
- Forward a copy of the Watch Commander's Daily Report entry along with a copy of the Sergeant's log documenting the contact with the victim to the Community Police Station Hate Crime Coordinator.

#### Area Detectives

- Contact the victim within 10 calendar days of the crime or incident and assure the victim of the Department's interest in identifying the suspect and obtain follow-up information;
- Document any additional information on a Follow-up Investigation, Form 3.14;
- Present all felony hate crime investigations in which the suspect is identified to the District Attorney Hate Crime Suppression Unit and, as appropriate, to the Office of the United States Attorney, Civil Rights Liaison for filing consideration;
- Present all misdemeanor hate crime investigations in which the suspect is identified to the Special Enforcement Section, Office of the City Attorney, and as appropriate, to the Office of the United States Attorney, Civil Rights Liaison; and,
- Provide the command's Hate Crime Coordinator with a copy of all reports related to the incident.

#### **POLICY STATEMENTS:**

The City of Los Angeles values the great diversity of its people and recognizes that a threat against any portion of our community is truly a threat against our diverse way of life. Acts or threats of violence motivated by hatred or prejudice are serious acts, often vicious in nature, which tear at the fabric of our community. These occurrences generate fear and concern among victims as well as the entire community and have the potential of recurring, escalating and possibly causing counter-violence.

It is the policy of the Los Angeles Police Department to ensure that the rights of all people, as guaranteed by the Constitutions of the United States and the State of California, are protected. Among those constitutional guarantees is the right of all people to live without fear of attack by or threat from an individual or group due to hatred or prejudice. An act or a threat of violence motivated by hatred or prejudice threatens this constitutional guarantee and generates fear and concern among victims and the public. When any act motivated by hatred or prejudice occurs, the Department will ensure that it is dealt with on a priority basis and use every necessary legal resource to rapidly and decisively identify the suspects and bring them to justice.